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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/509,125	03/28/2005	Shinichi Nakai	26379U	3318

20529 7590 05/28/2008

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EXAMINER	
PHAM, LUU T	
ART UNIT	PAPER NUMBER
2137	
MAIL DATE	DELIVERY MODE
05/28/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/509,125	NAKAI ET AL.	
	Examiner	Art Unit	
	LUU PHAM	2137	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *25 April 2008*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-93* is/are pending in the application.

4a) Of the above claim(s) *1-46,50-66 and 70-86* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *47-49, 67-69, 87-89, and 90-93* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *28 March 2005* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *12/12/07, 03/28/05, 03/18/05, and 09/28/04*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. This Office Action is in response to the Amendment filed on 04/25/2008.

2. Claims 1-86 and are pending. In the instant Amendment, claims 1-46, 50-66, and 70-86 were canceled; claims 87-93 are newly added. 47, 67, 87, and 90 are independent claims.

Priority

3. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in Japan. It is noted, however, that applicant has not filed a certified copy of the 2002-097429 application as required by 35 U.S.C. 119(b).

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. **Claims 47-49, 69, and 87-93 are rejected under 35 U.S.C. 112, second paragraph**, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- **Regarding claims 47, 69, and 87;** the claims recite the limitation *"an output section that stores the encrypted content and the encrypted identification data in content storage medium in association with each other."* In reference to the phrase "***in association with each other;***" this is unclear whether the encrypted content and the encrypted identification data is being stored with respect to one another as set pairs, or they are being otherwise categorized.

- **Regarding claim 90;** the claim recites the limitation *"an input section that reads out encrypted content and encrypted identification data stored in the content storage medium in association with each other."* In reference to the phrase "***in association with each other;***" this is unclear whether the encrypted content and the encrypted identification data is being stored with respect to one another as set pairs, or they are being otherwise categorized.

- **Regarding claims 48-49, 88-89, and 91-93;** these claims are dependent on claims 47, 87, and 90, respectively, and therefore inherit the 35 U.S.C 112 issues of the independent claims.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. **Claim 47-48, 67-68, 87-88, and 90-92 are rejected under 35 U.S.C. 102(e)** as being anticipated by Okada, U.S. Patent Publication No. 2003/0041221, filed on March 13, 2002.

- **Regarding claim 47**, Okada discloses a content processing apparatus *(par. 0066; Figs. 1-2, data protection system, host unit 200 and drive 100)* comprising:

a first storage section that stores therein an identifier unique to the content processing apparatus *(pars. 0076 and 0078; Figs. 1-2; the ROM 220 stores the host ID (access apparatus identification information))*, and identification data *(pars. 0066, 0068, and 0078; Figs. 1-2; first driver ID and contents key are known as identification data)*;

an encrypting section *(Figs. 2-9; encryption sections 242-247 and 131-132)* that encrypts content and the identification data using the identifier *(pars. 0082-0084; Figs. 1-9; the encryption section 245 encrypts a contents key using the host key)*; and

an output section that stores the encrypted content and the encrypted identification data in content storage medium in association with each other *(pars. 0074 and 0086-0087; Figs. 2-9; storage section 150 includes key file 150 and data file 151)*.

- **Regarding claim 48**, Okada discloses the content processing apparatus according to claim 47, further comprising:

an authentication section that determines whether access is allowed to a first area of the content storage medium *(pars. 0103, 0107, 0113, and 0117; Figs. 2-3; if it is discriminated in step A6 that the second drive ID encrypted on the host unit 200 side and the encrypted second drive from the drive are coincident, then it is discriminated that the authentication of the drive 100 results in success; comparison discrimination section functions as an authentication section)*, the content storage medium having the first area and a second area, wherein the output section stores the identification data encrypted in the first area, and stores the content encrypted in the second area *(Fig. 1-2, 4, and 6; storage 150 stores key file 151 and data file 152)*.

- **Regarding claim 67**, Okada discloses a content processing apparatus *(par. 0066; Figs. 1-2, data protection system, host unit 200 and drive 100)* comprising:

an input section that reads out encrypted content from a content storage medium, and encrypted first identification data from the content storage medium *(pars. 0093-0094 and 0130-0131; Figs. 1, 4, 6, and 9; transfer sections 141-143 and 261-263)*;

a first storage section that stores therein second identification data *(pars. 0066, 0068, 0078, 0119-0131, and ; Figs. 1-2 and 6-7; first driver ID, second driver ID, and contents key are known as identification data)* and an identifier unique to the content processing apparatus *(pars. 0076 and 0078; Figs. 1-2; the ROM 220 stores the host ID (access apparatus identification information))*;

a decoding section that decodes the encrypted first identification data using the identifier *(pars. 0089-0092, 0112, and 0157-0158; Figs. 4, 6, and 9; the decryption sections 271 and 272 decrypts the encrypted contents key and read out from the storage section 150 (key file 151) of the drive 100 using the host ID read out from the ROM 220)*; and

a comparing section *(Figs. 6 and 9; comparison discrimination sections 180 and 250)* that compares the decoded first identification data with the second identification data stored in the first storage section *(pars. 0081, 0089, 0103, 0107, 0113, and 0117; Figs. 1-4 and 6-9; if the comparison discrimination section 250 discriminates that the two second drive IDs are coincident with each other when the host unit 200 read out the contents data from the drive 100 (the storage section 150), then the decryption section 271 to 273 are operate)*, wherein when the decoded first identification data agrees with the second

identification data, the decoding section decodes the encrypted content using the identifier *(pars. 0089-0092, 0112, and 0157-0158; Figs. 1-2, 4, 6, and 9)*.

- **Regarding claim 68**, Okada discloses the content processing apparatus according to claim 67, further comprising:

an authentication section that determines whether access is allowed to a first area of the content storage medium *(pars. 0103, 0107, 0113, and 0117; Figs. 2-3; if it is discriminated in step A6 that the second drive ID encrypted on the host unit 200 side and the encrypted second drive from the drive are coincident, then it is discriminated that the authentication of the drive 100 results in success; comparison discrimination section functions as an authentication section)*, wherein which the encrypted first identification data is stored in the first area and the encrypted content is stored in a second area of the content storage medium *(Fig. 1-2, 4, and 6; storage 150 stores key file 151 and data file 152)*.

- **Regarding claim 87**, Okada discloses a content processing apparatus that, in an information management system where digitized information of content is managed as a file on a detachable content storage medium and use of the digital information is allowed only in an environment providing a specific identifier, writes the digital information into the content storage medium *(par. 0066-0076; Figs. 1-2; data protection system, host unit 200 and drive 100)*, the content processing apparatus comprising:

a first storage section that stores an identifier unique to the content processing apparatus *(pars. 0076 and 0078; Figs. 1-2; the ROM 220 stores the host ID (access apparatus identification information))*, and identification data *(pars. 0066, 0068, and 0078;*

Figs. 1-2; first driver ID and contents key are known as identification data) which is different from the identifier and which is for determining whether the encrypted content to be stored in the content storage medium can be decoded properly *(pars. 0081, 0103, 0139, and 0148; Figs. 1-9)*;

an encrypting section *(Figs. 2-9; encryption sections 242-247 and 131-132)* that encrypts content using the identifier and encrypts the identification data using the identifier *(pars. 0082-0084; Figs. 1-9; the encryption section 245 encrypts a contents key using the host key)*; and

an output section that stores the encrypted content and the encrypted identification data in content storage medium in association with each other *(pars. 0074 and 0086-0087; Figs. 2-9; storage section 150 includes key file 150 and data file 151)*.

- **Regarding claim 88**, Okada discloses the content processing apparatus according to claim 87, wherein:

the content storage medium comprises a first area for which authentication is required for access *(pars. 0081, 0089, and 0103)* and a second area for which authentication is not required *(pars. 0078 and 0098; Figs. 6-7 and 9)*;

the content processing apparatus further comprises an authentication section that determines whether access is allowed to the first area of the content storage medium *(pars. 0103, 0107, 0113, and 0117; Figs. 2-3; if it is discriminated in step A6 that the second drive ID encrypted on the host unit 200 side and the encrypted second drive from the drive are coincident, then it is discriminated that the authentication of the drive 100 results in success; comparison discrimination section functions as an authentication section)*; and

the output section stores the encrypted identification data in the first area and stores the encrypted content in the second area in association with the identification data *(pars. 0074 and 0086-0087; Figs. 2-9; storage section 150 includes key file 150 and data file 151)*.

- **Regarding claim 90**, Okada discloses a content processing apparatus that, in an information management system where digitized information of content is managed as a file on a detachable content storage medium and use of the digital information is allowed only in an environment providing a specific identifier, writes the digital information into the content storage medium *(par. 0066; Figs. 1-2, data protection system, host unit 200 and drive 100)*, the content processing apparatus comprising:

an input section that reads out encrypted content and encrypted identification data stored in the content storage medium in association with each other *(pars. 0093-0094 and 0130-0131; Figs. 1, 4, 6, and 9; transfer sections 141-143 and 261-263)*;

a first storage section that stores an identifier unique to the content processing apparatus *(pars. 0076 and 0078; Figs. 1-2; the ROM 220 stores the host ID (access apparatus identification information))*, and identification data *(pars. 0066, 0068, and 0078; Figs. 1-2; first driver ID and contents key are known as identification data)* which is different from the identifier and which is for determining whether the encrypted content to be stored in the content storage medium can be decoded properly *(pars. 0081, 0103, 0139, and 0148; Figs. 1-9)*;

a second storage section that stores the content *(Figs. 1-2, 4, and 6; data file 152)*;

a decoding section that decodes the encrypted content and the encrypted identification data read out from the content storage medium using the identifier *(pars. 0089-0092, 0112, and 0157-0158; Figs. 4, 6, and 9; the decryption sections 271 and 272 decrypts the encrypted contents key and read out from the storage section 150 (key file 151) of the drive 100 using the host ID read out from the ROM 220)*; and

a comparing section *(Figs. 6 and 9; comparison discrimination sections 180 and 250)* that compares decoded identification data obtained by decoding the encrypted identification data with the identification data stored in the first storage section *(pars. 0081, 0089, 0103, 0107, 0113, and 0117; Figs. 1-4 and 6-9; if the comparison discrimination section 250 discriminates that the two second drive IDs are coincident with each other when the host unit 200 read out the contents data from the drive 100 (the storage section 150), then the decryption section 271 to 273 are operate)*, wherein, when the decoded identification data agrees with the identification data stored in the first storage section, the decoding section decodes the encrypted content using the identifier *(pars. 0089-0092, 0112, and 0157-0158; Figs. 1-2, 4, 6, and 9).*

- **Regarding claim 91**, Okada discloses the content processing apparatus according to claim 90, wherein:

the input section reads out the encrypted identification data before reading out the encrypted content from the content storage medium *(pars. 0088-0089 and 0111; Figs. 1, 4, 6, and 9)*;

the comparing section *(Figs. 6 and 9; comparison discrimination sections 180 and 250)* compares identification data obtained by decoding the encrypted identification

data at the decoding section with the identification data stored in the first storage section and determines whether the decoded identification data agrees with the stored identification data *(pars. 0081, 0089, 0103, 0107, 0113, and 0117; Figs. 1-4 and 6-9; if the comparison discrimination section 250 discriminates that the two second drive IDs are coincident with each other when the host unit 200 read out the contents data from the drive 100 (the storage section 150), then the decryption section 271 to 273 are operate)*; and

only when the decoded identification data is determined to agree with the stored identification data, the input section reads out the encrypted content from the content storage medium, and the decoding section decodes the encrypted content using the identifier *(pars. 0081, 0089, 0103, 0107, 0113, and 0117; Figs. 1-4 and 6-9)*.

- **Regarding claim 92**, Okada discloses the content processing apparatus according to claim 90, wherein:

the content storage medium comprises a first area for which authentication is required for access *(pars. 0081, 0089, and 0103)* and a second area for which authentication is not required *(pars. 0078 and 0098; Figs. 6-7 and 9)*;

the content processing apparatus further comprises an authentication section that determines whether access is allowed to the first area of the content storage medium *(pars. 0103, 0107, 0113, and 0117; Figs. 2-3; if it is discriminated in step A6 that the second drive ID encrypted on the host unit 200 side and the encrypted second drive from the drive are coincident, then it is discriminated that the authentication of the drive 100 results in success; comparison discrimination section functions as an authentication section)*; and

the input section reads out the encrypted identification data from the first area and reads out the encrypted data from the second area *(pars. 0081, 0089, 0103, 0107, 0113, and 0117; Figs. 1-4 and 6-9)*.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

9. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

10. **Claims 49 and 69 are rejected under 35 U.S.C. 103(a)** as being unpatentable over Okada, as applied to claims 47 and 67 above, and further in view of Asano et al., (hereinafter "Asano"), U.S. Patent Publication No. 2002/0169971, filed on January 19, 2001.

- **Regarding claim 49**, Okada discloses the content processing apparatus according to claim 47.

Okada does not explicitly disclose a second storage section that stores therein a title of the content, in association with the identification data.

However, in an analogous art, Asano discloses a method for data authentication, wherein a second storage section that stores therein a title of the content, in association with the identification data *(pars. 0863 and 0867; Fig. 61-62 and 64)*.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Asano with the method and system of Okada wherein a second storage section that stores therein a title of the content, in association with the identification data to provide user with a means for validating data and limiting the user of contents data to authorized users *(par. 0028)*.

- **Regarding claim 69**, Okada discloses the content processing apparatus according to claim 67, further comprising:

the comparison of the comparing section *(Figs. 6 and 9; comparison discrimination sections 180 and 250)* indicates that the first identification data agrees with the second identification data stored in the first storage section *(pars. 0081, 0089, 0103, 0107, 0113, and 0117; Figs. 1-4 and 6-9; if the comparison discrimination section 250 discriminates that the two second drive IDs are coincident with each other when the host unit 200 read out the contents data from the drive 100 (the storage section 150), then the decryption section 271 to 273 are operate)*;

determining whether the encrypted content to be stored in the content storage medium can be decoded properly *(pars. 0081, 0089-0091)*;

an encrypting section *(Figs. 2-9; encryption sections 242-247 and 131-132)* that encrypts content and the identification data using the identifier *(pars. 0082-0084; Figs. 1-9; the encryption section 245 encrypts a contents key using the host key)*; and

an output section that stores the encrypted content and the encrypted identification data in the content storage medium in association with each other *(pars. 0074 and 0086-0087; Figs. 2-9; storage section 150 includes key file 150 and data file 151)*.

Okada does not explicitly disclose a second storage section that stores therein a title of the content corresponding to the second identification data; and a display section that displays the title stored in the second storage section

However, in an analogous art, Asano discloses a method for data authentication, wherein a second storage section that stores therein a title of the content corresponding to the second identification data *(pars. 0863 and 0867; Fig. 61-62 and 64)*; and a display section that displays the title stored in the second storage section *(pars. 0863 and 0867; Fig. 61-62 and 64)*.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Asano with the method and system of Okada wherein a second storage section that stores therein a title of the content corresponding to the second identification data; and a display section that displays the title stored in the second storage section to provide user with a means for validating data and limiting the user of contents data to authorized users *(par. 0028)*.

11. **Claims 89 and 93 are rejected under 35 U.S.C. 103(a)** as being unpatentable over Okada, as applied to claims 87 and 90 above, and further in view of Masahiro et al., (hereinafter

"Masahiro"), Japanese Patent Publication No. JP 2002-009966, published on January 11, 2002.

- **Regarding claim 89**, Okada discloses the content processing apparatus according to claim 87.

Okada does not explicitly disclose the content processing apparatus comprises a cellular telephone, and the identifier comprises a telephone number or a serial number of the cellular telephone.

However, in an analogous art, Masahiro discloses a portable telephone set, wherein a second storage section that stores therein a title of the content, in association with the identification data *(pars. 0005-0006; when a number identifier peculiar to a local station telephone number is connected and a connected number identifier, read out of data is forbidden to data recorded on external storage)*.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Masahiro with the method and system of Okada wherein a second storage section that stores therein a title of the content, in association with the identification data to provide users with a means for forbidding read-out of the data if the connected number identifier does not correspond to a registered number *(par. 0005)*.

- **Regarding claim 93**, is similar in scope to claim 89, and is therefore rejected under similar rationale.

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent Publication No. US 2003/0023847 by Ishibashi et al.
U.S. Patent Publication No. US 2001/0013099 by Haruki.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Luu Pham whose telephone number is 571-270-5002. The examiner can normally be reached on Monday through Friday, 7:30 AM - 5:00 PM (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel L. Moise can be reached on 571-272-3865. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Luu Pham/
Examiner, Art Unit 2137

/Emmanuel L. Moise/

Supervisory Patent Examiner, Art Unit 2137